

108TH CONGRESS
1ST SESSION

H. R. 1992

To amend and improve the workforce investment and adult education systems
of the Nation.

IN THE HOUSE OF REPRESENTATIVES

Ms. SOLIS introduced the following bill; which was referred to the Committee
on Education and the Workforce

A BILL

To amend and improve the workforce investment and adult
education systems of the Nation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expand Access to Job
5 Training for English Language Learners Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Approximately 17.8 million adults in the
9 United States have limited proficiency in English.

1 (2) Approximately 90 million adults in the
2 United States are reading at levels that are insuffi-
3 cient to allow them to participate fully in the econ-
4 omy and to obtain new skills necessary for success.

5 (3) A significant contributor to low literacy is
6 limited English speaking and reading ability.

7 (4) Individuals with limited English proficiency
8 are the fastest growing segment of the adult edu-
9 cation, language, and literacy system.

10 (5) Simultaneous courses in English language
11 instruction in combination with civics education goes
12 a long way toward meeting the needs of English lan-
13 guage learners.

14 (6) Lack of English proficiency and a lack of
15 understanding of civics and United States institu-
16 tions are a significant barriers to obtaining training
17 and employment.

18 (7) English language learners make up nearly
19 50 percent of those enrolled in federally funded
20 adult education programs.

21 (8) The concentration of English language
22 learners across the United States is not uniform,
23 leaving some States with a far greater need to pro-
24 vide English as a second language services than oth-
25 ers.

1 (9) New immigrants accounted for 50 percent
2 of the growth in the civilian labor force between
3 1990 and 2001.

4 (10) Immigrants who are fluent in oral and
5 written English earn approximately 24 percent more
6 than those who lack fluency, regardless of vocational
7 qualifications.

8 (11) Current workforce development policies
9 and programs have been ineffective in serving immi-
10 grants and persons who are limited English pro-
11 ficient.

12 (12) Programs that integrate skills and training
13 and language acquisition have demonstrated remark-
14 able employment outcomes.

15 **TITLE I—AMENDMENTS TO**
16 **WORKFORCE INVESTMENT**
17 **SYSTEMS**

18 **SEC. 101. INTENSIVE AND TRAINING SERVICES.**

19 (a) IN GENERAL.—Section 134(d) is amended—

20 (1) by amending paragraph (3)(A)(i) to read as
21 follows:

22 “(i) who have been determined by a
23 one-stop operator to be in need of more in-
24 tensive services in order to obtain employ-
25 ment; or”;

1 (2) by amending paragraph (3)(C)(vi) to read
2 as follows:

3 “(vi) Short-term prevocational serv-
4 ices, including development of learning
5 skills, communication skills, English lit-
6 eracy skills, interviewing skills, punctuality,
7 personal maintenance skills, and profes-
8 sional conduct to prepare individuals for
9 unsubsidized employment or training.”;

10 (3) in paragraph (4)(A) by striking clause (i)
11 and redesignating clauses (ii) through (v) as clauses
12 (i) through (iv) respectively;

13 (4) by amending paragraph (4)(D)(i) to read as
14 follows:

15 “(i) occupational skills training, in-
16 cluding training for nontraditional employ-
17 ment and bilingual occupational training;”;
18 and

19 (5) by amending paragraph (4)(D)(viii) to read
20 as follows:

21 “(viii) adult education, English as a
22 Second Language, and literacy activities
23 provided in combination with services de-
24 scribed in any of the clauses (i) through
25 (vii); and”.

1 (b) INCENTIVE GRANTS.—Section 503(a) is amended
2 to read as follows:

3 “(a) IN GENERAL.—Beginning on July 1, 2000, the
4 Secretary shall award a grant to each State that—

5 “(1) exceeds the State adjusted levels of per-
6 formance for title I, the expected levels of perform-
7 ance for title II, and the levels of performance under
8 Public Law 88–210 (as amended; 20 U.S.C. 2301 et
9 seq.) for the purpose of carrying out an innovative
10 program consistent with the requirements of any one
11 or more of the programs within title I, title II, or
12 such Public Law, respectively; and

13 “(2) funds programs that integrate occupa-
14 tional skills training and language acquisition.”.

15 (c) ON-THE-JOB TRAINING.—Section 101(31)(B) is
16 amended by inserting “or a reimbursement of up to 100
17 percent of the wage rate of a participant who has limited
18 English proficiency and for whom the employer is pro-
19 viding training that integrates occupational skills and lan-
20 guage acquisition” after “wage rate of the participant,”.

21 **SEC. 102. PERFORMANCE MEASURES.**

22 (a) LEVELS OF PERFORMANCE.—Section
23 136(b)(3)(A)(iv)(II) is amended by inserting “including
24 their level of English proficiency” after “entered the pro-
25 gram”.

1 (b) PERFORMANCE AND COST INFORMATION.—Sec-
2 tion 122(d)(3) is amended by adding after subparagraph
3 (B) the following:

4 “(C) ADULT EDUCATION AND FAMILY LIT-
5 ERACY ACT REQUIREMENTS.—The local board
6 and the designated State agency described in
7 subsection (i) may accept program-specific per-
8 formance information consistent with the re-
9 quirements for eligibility under the Adult and
10 Family Literacy Act (20 U.S.C. 9212) from a
11 provider for the purpose of enabling the pro-
12 vider to fulfill the applicable requirements of
13 this subsection, if such information is substan-
14 tially similar to the information otherwise re-
15 quired under this subsection.”.

16 (c) INTEGRATED TRAINING PROGRAMS.—Section
17 122(h) is amended—

18 (1) in the heading, by striking “OR CUS-
19 TOMIZED TRAINING” and inserting “, CUSTOMIZED
20 TRAINING, OR INTEGRATED TRAINING” ; and

21 (2) in paragraphs (1) and (2) by striking “or
22 customized training” and inserting “, customized
23 training, or integrated training”.

24 (d) DEFINITION.—Section 101 is amended by redes-
25 ignating paragraphs (18) through (53) as paragraphs (19)

1 through (54), respectively and by inserting after para-
 2 graph (17) the following:

3 “(18) INTEGRATED TRAINING.—The term ‘inte-
 4 grated training’ means training that combines occu-
 5 pational skills with language acquisition.”.

6 **SEC. 103. DEMONSTRATION, PILOT, MULTISERVICE, RE-**
 7 **SEARCH, AND MULTISTATE PROJECTS.**

8 (a) DEMONSTRATION AND PILOT PROJECTS.—Sec-
 9 tion 171(b)(1) is amended by adding after subparagraph
 10 (H) the following:

11 “(I) projects that provide training to cre-
 12 ate or upgrade the job and related skills of per-
 13 sons who are special participant populations as
 14 defined in section 134(d)(4)(G)(iv).”.

15 (b) MULTISERVICE PROJECTS.—Section 171(c)(1) is
 16 amended—

17 (1) in subparagraph (A) by inserting “and spe-
 18 cial participant populations as defined in section
 19 134(d)(4)(G)(iv)” after “targeted populations”;

20 (2) in subparagraph (B) by inserting “and spe-
 21 cial participant populations as defined in section
 22 134(d)(4)(G)(iv)” after “disability community”; and

23 (3) in subparagraph (C) by inserting “and spe-
 24 cial participant populations as defined in section
 25 134(d)(4)(G)(iv)” after “targeted populations”.

1 (c) STUDY AND REPORT.—Section 171(c)(2)(B) is
 2 amended to read as follows:

3 “(B) REPORT ON TRAINING MODELS FOR
 4 PERSONS WHO ARE LIMITED ENGLISH-PRO-
 5 FICIENT.—The Secretary shall conduct a 2-year
 6 study on programs that integrate English lan-
 7 guage instruction with occupational skills train-
 8 ing. The Secretary shall prepare and submit to
 9 Congress a report containing the results of the
 10 study, including policy recommendations.”.

11 (d) MULTISTATE PROJECTS.—Section 171(c)(3)(A)
 12 is amended—

13 (1) in clause (i) by inserting “and special par-
 14 ticipant populations as defined in section
 15 134(d)(4)(G)(iv)” after “particular service popu-
 16 lations”; and

17 (2) in clause (ii) by inserting “and special par-
 18 ticipant populations as defined in section
 19 134(d)(4)(G)(iv)” after “demographic groups”.

20 **SEC. 104. ASSESSMENTS.**

21 (a) IN GENERAL.—Section 171(a)(2) is amended—

22 (1) in subparagraph (C) by striking “and” at
 23 the end;

24 (2) in subparagraph (D) by inserting “and” at
 25 the end; and

1 (3) by adding after subparagraph (D) the fol-
2 lowing:

3 “(E) the versatility of a standardized one-
4 stop center assessment for targeted populations,
5 including special participant populations that
6 face multiple barriers to employment, as defined
7 in section 134(d)(4)(G)(iv).”.

8 (b) PARTNERSHIPS.—Section 171(b)(1) is amend-
9 ed—

10 (1) in subparagraph (G) by striking “and” at
11 the end;

12 (2) in subparagraph (H) by inserting “and” at
13 the end;

14 (3) by adding after subparagraph (H) the fol-
15 lowing:

16 “(I) the establishment of partnerships with
17 national organizations with special expertise to
18 assist states develop and implement accurate
19 assessment mechanisms to evaluate the skill
20 levels of special participant populations that
21 face multiple barriers to employment, as defined
22 in Section 134(d)(4)(G)(iv).”.

23 (c) CONSIDERATIONS.—Section 172(a)(6) is amend-
24 ed to read as follows:

1 “(6) the extent to which such programs and ac-
 2 tivities meet the needs of various demographic
 3 groups; and including special participant populations
 4 that face multiple barriers to employment, as de-
 5 fined in §134(d)(4)(G)(iv);”.

6 (d) INTERPRETATION AND TRANSLATION SERV-
 7 ICES.—Section 188(a) is amended by adding after para-
 8 graph (5) the following:

9 “(6) INTERPRETATION AND TRANSLATION
 10 SERVICES.—One-stop centers shall provide appro-
 11 priate interpretation and translation services to indi-
 12 viduals who lack English proficiency.”.

13 (e) STATE PLAN.—Section 112(b)(17)(A)(iv) is
 14 amended by inserting “(including persons who are limited
 15 English-proficient)” after “barriers to employment”.

16 (f) SPECIALIZED ASSESSMENTS.—Section
 17 134(d)(3)(C)(i) is amended in the matter preceding sub-
 18 clause (I) to read as follows:

19 “(i) Comprehensive and specialized
 20 assessments of the skill levels, English pro-
 21 ficiency, and service needs of adults and
 22 dislocated workers, which may include—”.

23 **SEC. 105. CONTENTS OF STATE PLAN.**

24 Section 224(b) is amended by adding after paragraph
 25 (12) the following new paragraph:

1 “(13) a description of how the eligible agency
 2 will consult with any State agency responsible for
 3 postsecondary education to develop adult education
 4 that prepares students to enter postsecondary edu-
 5 cation without the need for remediation upon com-
 6 pletion of secondary school equivalency programs.”.

7 **SEC. 106. STATE DISCRETIONARY FUNDING.**

8 Section 134(a)(3)(A)(vi) is amended—

9 (1) in subclause (I) by striking “and” at the
 10 end;

11 (2) in subclause (II) by inserting “and” at the
 12 end; and

13 (3) by adding after clause (II) the following:

14 “(III) implementation of innova-
 15 tive programs for special participant
 16 populations as defined in section
 17 134(d)(4)(G)(iv) to increase the num-
 18 ber of individuals offered occupational
 19 training in growth industries;”.

20 **TITLE II—AMENDMENTS TO**
 21 **ADULT EDUCATION AND LIT-**
 22 **ERACY**

23 **SEC. 201. ADULT BASIC EDUCATION FUNDING FORMULA.**

24 (a) **QUALIFYING ADULT.**—Paragraph (3) of section
 25 211(d) of the Adult Education and Family Literacy Act

1 (20 U.S.C. 9211(d)) is amended by inserting “or is of lim-
2 ited English proficiency” after “its recognized equivalent”.

3 (b) HOLD-HARMLESS.—Paragraph (1) of section
4 211(f) of the Adult Education and Family Literacy Act
5 (20 U.S.C. 9211(f)) is amended—

6 (1) in subparagraph (A), by striking “fiscal
7 year 1999” and inserting “fiscal year 2004”; and

8 (2) in subparagraph (b), by striking “fiscal year
9 2000” and inserting “fiscal year 2005”.

10 **SEC. 202. STATE PLAN CONTENTS.**

11 Paragraph (1) of section 224(b) of the Adult Edu-
12 cation and Family Literacy Act (20 U.S.C. 9224(b)) is
13 amended by striking “including individuals most in need
14 or hardest to serve;” and inserting “including—

15 “(A) individuals most in need or hardest to
16 serve; and

17 “(B) individuals with limited English pro-
18 ficiency;”.

19 **SEC. 203. DIRECT AND EQUITABLE ACCESS IN GRANTS AND**
20 **CONTRACTS.**

21 (a) Section 231 of the Adult Education and Family
22 Literacy Act (20 U.S.C. 9226) is amended—

23 (1) in subsection (a), by inserting “, as outlined
24 under section 203(5),” after “State or outlying
25 area”;

1 (2) in subsection (c)—

2 (A) in paragraph (1), by striking “and” at
3 the end;

4 (B) in paragraph (2), by striking “an-
5 nouncement process and application process is
6 used for all eligible providers” and inserting
7 “announcement process, application process,
8 and proposal review process is used for all eligi-
9 ble providers, including community-based orga-
10 nizations,”;

11 (C) in paragraph (2), by striking the pe-
12 riod at the end and inserting “; and”; and

13 (D) by adding at the end the following:

14 “(3) there is a process in place to increase out-
15 reach and recruitment to solicit grant and contract
16 applications from eligible community-based organiza-
17 tions.”; and

18 (b) in subsection (e)—

19 (1) in paragraph (3), by striking “individuals
20 who are low-income or have minimal literacy skills”
21 and inserting “individuals who are of limited English
22 proficiency, are low-income, or have minimal literacy
23 skills”;

1 (2) in paragraph (9), by inserting “community-
2 based organizations,” after “job training pro-
3 grams,”;

4 (3) in paragraph (11), by striking “and” at the
5 end;

6 (4) in paragraph (12), by inserting “and civics
7 education” after “additional English literacy”;

8 (5) in paragraph (12), by striking the period at
9 the end and inserting “; and”; and

10 (6) by adding at the end the following:

11 “(13) whether the activities are located in com-
12 munities with high populations of individuals with
13 limited English proficiency.”.

14 **SEC. 204. INCENTIVES FOR INTEGRATING TITLE I AND**
15 **TITLE II.**

16 (a) NATIONAL INSTITUTE FOR LITERACY.—Subpara-
17 graph (C) of section 242(c)(1) of the Adult Education and
18 Family Literacy Act (20 U.S.C. 9252(c)(1)) is amended—

19 (1) by striking “the Office of Educational Re-
20 search and Improvement” and inserting “the Insti-
21 tute of Education Sciences”;

22 (2) by inserting “and the Office of Employment
23 and Training in the Department of Labor” after
24 “the Department of Education”; and

1 (3) by inserting “and the effectiveness of pro-
2 grams that integrate occupational skills training and
3 language acquisition” after “with learning disabili-
4 ties”.

5 (b) PERFORMANCE ACCOUNTABILITY SYSTEM.—
6 Subsection (b) of section 212 of the Adult Education and
7 Family Literacy Act (20 U.S.C. 9212) is amended—

8 (1) in paragraph (1)(A)(i), striking “and” at
9 the end;

10 (2) in paragraph (1)(A), by adding at the end
11 the following:

12 “(iii) unified indicators of perform-
13 ance (if any) identified by the eligible
14 agency under paragraph (2)(C); and”;
15 and”;

16 (3) in paragraph (2), by adding at the end the
17 following:

18 “(C) UNIFIED INDICATORS.—An eligible
19 agency shall identify uniform indicators of per-
20 formance for programs under section 134(d)(4)
21 or 211 and shall include in such uniform indica-
22 tors the following:

23 “(i) Performance measures identified
24 in section 136(b)(2)(A).

1 “(ii) Performance measures identified
2 in section 212(b)(2)(a)(i).”.

3 **SEC. 205. REPORTS ON INDIVIDUALS 16 TO 18 YEARS OF**
4 **AGE.**

5 Section 241 of the Adult Education and Family Lit-
6 eracy Act (20 U.S.C. 9251) is amended by adding at the
7 end the following:

8 “(c) REPORTS.—

9 “(1) REPORTS TO SECRETARY.—An eligible
10 agency receiving funds under this title shall annually
11 provide the Secretary with a report on the number
12 participants who are 16, 17, or 18 years of age in
13 the programs and services provided under section
14 231, disaggregated by race, ethnicity, gender, lim-
15 ited English proficiency status, disability, and socio-
16 economic status.

17 “(2) REPORTS TO CONGRESS.—Not later than
18 June 30, 2005, and by June 30 annually thereafter,
19 the Secretary shall submit a report to the Congress
20 containing the results of the eligible agency reports
21 required by paragraph (1).”.

22 **SEC. 206. NATIONAL LEADERSHIP ACTIVITIES.**

23 Section 243 of the Adult Education and Family Lit-
24 eracy Act (20 U.S.C. 9253) is amended in the matter pre-
25 ceding paragraph (1) by inserting “including grants to

1 communities experiencing large increases of individuals
2 with limited English proficiency who were not accounted
3 for in making State allocations under section 211(c)(2),
4 for the purpose of providing English language and civics
5 education programs” after “programs nationwide”.

○